

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**ACTION NC,
DEMOCRACY NORTH CAROLINA,
NORTH CAROLINA A. PHILIP
RANDOLPH INSTITUTE,
SHERRY DENISE HOLVERSON,
ISABEL NAJERA, and
ALEXANDRIA MARIE LANE,**

Plaintiffs,

v.

Civil Action No. 1:15-cv-01063-LCB-JEP

KIM WESTBROOK STRACH,
*in her official capacity as Executive
Director of the North Carolina State Board
of Elections,*

RICK BRAJER,
*in his official capacity as Secretary of the
North Carolina Department of Health and
Human Services,*

KELLY THOMAS,
*in his official capacity as Commissioner of
the North Carolina Division of Motor
Vehicles, and*

NICK TENNYSON,
*in his official capacity as Secretary of the
North Carolina Department of
Transportation,*

Defendants.

JOINT MOTION FOR AN ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to Federal Rules of Civil Procedure 41(a) and 58, Plaintiffs Action

NC, Democracy North Carolina, North Carolina A. Philip Randolph Institute, Sherry

Denise Halverson, Isabel Najera, and Alexandria Maria Lane (collectively “Plaintiffs”) and Defendants, Kim Westbrook Strach, in her official capacity as Executive Director of the North Carolina State Board of Elections (now the North Carolina Bipartisan State Board of Elections & Ethics Enforcement), Rick Brajer, in his official capacity as Secretary of the North Carolina Department of Health and Human Services (succeeded by Mandy K. Cohen), Kelly Thomas, in his official capacity as Commissioner of the North Carolina Division of Motor Vehicles (succeeded by Torre J. Jessup), and Nick Tennyson, in his official capacity as Secretary of the North Carolina Department of Transportation (succeeded by James Trogdon III) (collectively, “Defendants”), hereby jointly move the Court for entry of the [Proposed] Order of Dismissal, attached hereto as Exhibit A.

As grounds for this Joint Motion, Plaintiffs and Defendants state as follows:

(1) Plaintiffs and the Defendants have executed a Settlement Agreement (attached hereto as Exhibit B).

(2) The Settlement Agreement finally resolves this action as to all Defendants. Accordingly, Plaintiffs and Defendants respectfully request that this Court enter the [Proposed] Order in the form attached hereto as Exhibit A.

(3) Pursuant to the Settlement Agreement, the parties stipulate and request that the Court order that Defendants shall pay to Plaintiffs the amount of \$490,000.00 in attorneys’ fees and costs, as specified in the Settlement Agreement. The Settlement Agreement provides that if for any reason payment cannot be made, the Settlement

Agreement shall be considered null and void, and either party may file a Motion with this Court to vacate the Order of Dismissal.

(4) Neither Plaintiffs nor Defendants shall be deemed to be the prevailing party in this civil action pursuant to 52 U.S.C. § 20510(c).

(5) Pursuant to the Settlement Agreement, the parties stipulate and request that the Court dismiss the action with prejudice, including all claims asserted by Plaintiffs against Defendants in this matter, and all claims that could have been asserted other than the claims expressly excluded from the Settlement Agreement release, as further set forth in the Settlement Agreement, Section II. The parties also request that the Court vacate all pending deadlines and hearing dates in this matter.

(6) The Settlement Agreement provides that either Plaintiffs or Defendants may determine that the Settlement Agreement is null and void and of no force or effect, if the Court enters an Order in another form than that attached hereto as Exhibit A.

(7) Plaintiffs and Defendants have agreed that the Settlement Agreement shall not constitute, be construed as, or be incorporated into a consent decree or other order of the Court.

(8) The Settlement Agreement provides that, without affecting the finality of the [Proposed] Order of Dismissal attached hereto as Exhibit A, this Court shall retain exclusive and continuing jurisdiction to enforce the Settlement Agreement in accordance with its terms, for the duration of the Settlement Agreement as set forth in Section IV thereof.

For the above reasons, Plaintiffs and Defendants jointly move the Court to enter
a [Proposed] Order of Dismissal, in the form attached as Exhibit A.

Dated: June 25, 2018

Respectfully submitted,

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